

# ***LUNENBURG PLANNING BOARD TOWN OF LUNENBURG***

Joanna L. Bilotta-Simeone, Chair  
Nathan J. Lockwood, Vice-Chair  
Damon McQuaid, Clk.  
Kenneth Chenis, Mbr.  
Matthew Allison, Mbr.



Tel: (978) 582-4147, ext 5  
Fax: (978) 582-4353  
960 Massachusetts Avenue  
Lunenburg, MA 01462

Adam R. Burney  
Land Use Director

Minutes  
November 10, 2014

Meeting Posted: Yes

Place: Town Hall, 17 Main Street, Lunenburg, MA

Time: 6:30 PM

Present: Joanna L. Bilotta-Simeone, Nathan J. Lockwood, Damon McQuaid, Kenneth Chenis, Matthew Allison, Adam R. Burney

**PUBLIC HEARING: Highfield Village-** see separate minutes

**PUBLIC HEARING (cont'd): 322 Flat Hill Community Solar-** See separate minutes. Motion, N. Lockwood to approve the project with significant conditions to be discussed, Second, K. Chenis.

Conditions to be placed in approval:

K. Chenis- That the sound is not disruptive. Address all engineer review comments.

D. McQuaid- Even though he felt there were no significant safety or noise issues, he could not support the project due to the strong opposition from the abutters and the lack of a 200' buffer strip.

N. Lockwood- Project meets criteria for special permit. It will be located in Zone 2. Can the offset be increased by moving site closer to the shade line? Possible fencing?

J. Bilotta-Simeone- The Zoning Board of Appeals approved the size and setback. If relocated to Zone 2, will M. Conway have to go back to the ZBA? Condition a noise study.

K. Chenis noted MGL Ch 40A, Section 3, "*no zoning ordinance...shall prohibit or unreasonably regulate the installation of solar energy systems...except where necessary to protect the public health, safety, or welfare.*"

N. Lockwood amended his Motion to include the conditions noted above plus the property cannot be subdivided for the life of the solar, Second, K. Chenis.

N. Lockwood noted the comment made by T. Alonzo at the Hearing as to his editorial in the Ledger and that he conferred with Town Counsel prior to submitting his letter to the newspaper.

M. Conway requested if he could withdraw his application. Attorney Troyer opined it would be a violation of the Open Meeting Law to withdraw at this point after the Hearing has closed. If the Special Permit is denied by the Board, it will afford two years of protection to the abutters.

Motion N. Lockwood to consider acceptance of withdrawal of application, Second, K. Chenis, discussion, D. McQuaid opined it would be a disservice to the citizens to withdraw at this point after the funds and time expended. J. Bilotta-Simeone opined that M. Conway should have the opportunity to revise his application and return to the Board.

N. Lockwood chose to keep his original Motion.

## **VOTE**

Kenneth Chenis, aye

Damon McQuaid, nay

Nathan Lockwood, aye

Joanna Bilotta-Simeone, abstain

The project was denied by the fact of a failed vote.

Decision will be prepared for Board signature and filing at Registry of Deeds.

**265 Pleasant Street Solar-** Eric Aubrey, Gehrlicher Solar America Corp., presented updated information to the Board in response to the Board's request of April 28, 2014 regarding the three additional utility poles. Unitil has loosened its requirement for the poles and NuGen was able to relocate the poles within the existing tree line. Unitil will not allow a change in the equipment located on the first two poles due to safety reasons discussed in the 4/28/14 meeting. The equipment to be moved from the poles to concrete pads would be the utility meter and system disconnect. Changing to pad mounted equipment would only remove one pole of the four. Celeste McCain-Stober, 275 Pleasant Street, speaking on behalf of the abutters, noted that the abutters have viewed the poles and opined that they now blend in. NuGen is asking approval to keep poles as is v. pad mounting. NuGen will submit a letter to the Board requesting an administrative change to the Approval citing Unitil's conditions.

J. Bilotta-Simeone noted to David Milner, NuGen, that vegetation needs to be fixed at both the Pleasant Street and Chase Road sites. D. Milner responded that anything dead will be replaced. J. Bilotta-Simeone questioned that if the array is visible through the vegetation, is it a planting issue or a bylaw issue? Eric Aubrey noted that you do not plant 25' trees at a site. Five to eight foot evergreen trees are being planted. Instant buffering cannot be provided. Trees have to be separated; cannot be planted right next to each other – if so, they will grow into each other and die.

#### **MINUTES APPROVAL:**

All minutes signed

10-20-14 Master Planning Workshop, Motion D. McQuaid, Second, K. Chenis

10-27-14, Motion D. McQuaid, Second, K. Chenis

10-27-14 322 Flat Hill Community Solar, Motion D. McQuaid, Second, K. Chenis

#### **COMMITTEE REPORTS:**

**MRPC, J. Bilotta-Simeone-** no meeting

**Capital Planning Committee, J. Bilotta-Simeone-** Committee met with Fire Chief and reviewed his requests.

**School Building Committee, N. Lockwood-** no report

**Open Space Ad Hoc Committee, N. Lockwood-** no report

**Building Reuse Committee, D. McQuaid-** Committee met week of 11/3/14. Discussed possible restoration of Town Hall.

**MJTC, K. Chenis-** meeting scheduled for 11/19/14

**Agricultural Commission, M. Allison-** no meeting

#### **NEW BUSINESS/DEVELOPMENT STATUS REPORTS:**

**Whites Woods, Massachusetts Avenue-** Noted developer requesting road inspection

**Highfield Village-** Board approved extension to February 9, 2014

**Definitive Subdivision, 50 Elmwood Road-** Noted progress report. Conservation Commission has Notices of Intent for Lots 5, 6, and 7 for their November 19<sup>th</sup> meeting.

**White Tail Crossing-** Noted developer requesting road inspection

**909 Massachusetts Avenue-** no report

**Tri Town Landing-** no report

**MS/HS Project-** no report

**Emerald Place at Lake Whalom-** no report

**Force Corporation, 305 Leominster Shirley Road-** no report

**651 Chase Road Solar-** no report

**265 Pleasant Street Solar-** no report

#### **ACTION FILE:**

**Village District Bylaw-** Revised draft provided to Board. Board members to review and provide comments to A. Burney. Will be placed on the November 24<sup>th</sup> agenda.

**Scenic Road-** A. Burney to put warrant article together prior to May Town Meeting

**250 Whalom Road, Whalom Luxury Apartments-** Zoning Board of Appeals hearing has closed. Discussion will continue at 12/10/14 ZBA meeting.

**Master Planning- Economic Development Element-** A. Burney to contact various Boards, Commissions, i.e., Finance Committee, Sewer Commission, Board of Selectmen, Conservation Commission, Open Space Ad Hoc Committee, Historical Commission, for comments. Will also talk to same about the master plan purpose and vision.

**40 Leominster Shirley Road-** no report

**MEETING SCHEDULE:**

November 24, 6:30 PM, Town Hall

December 8, 6:30 PM, Town Hall

December 22, 6:30 PM, Town Hall

**MEMBER ISSUES:** Board members voiced displeasure with not receiving discussion items in a timely manner from engineers, developers, etc. Board policy will be developed noting a deadline for materials being supplied prior to Board meetings.

**ADJOURNED:** 10:25 PM

Documents used at meeting:

Minutes-10-20-14 Master Planning Workshop, 10-27-14, 10-27-14 322 Flat Hill Community Solar

50 Elmwood Road Progress Form

Letter, Gehrlacher Solar America Corp., dtd 11/4/14

Draft Village District Bylaw